



**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2010-0848; FRL-9906-00]**

**Notice of Intent to Suspend Certain Pesticide Registrations**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), publishes 4 Notices of Intent to Suspend certain pesticide registrations issued by EPA. Each Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In Notice (DCI), which required the registrants of the affected pesticide products containing a certain pesticide active ingredient to take appropriate steps to secure certain data, and following the registrants' failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under FIFRA.

**DATES:** Each Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend or, if the mailed Notice of Intent to Suspend is returned to the EPA Administrator as undeliverable, if delivery is refused, or if the EPA Administrator otherwise is unable to accomplish delivery to the registrant after making reasonable efforts to do so, the Notice of Intent to

Suspend becomes effective 30 days after the date of publication of this notice in the **Federal Register**, unless, during that time, a timely and adequate request for a hearing is made by a person adversely affected by the Notice of Intent to Suspend, or the registrant has satisfied the EPA Administrator that the registrant has complied fully with the requirements that served as a basis for the Notice of Intent to Suspend. Unit IV. explains what must be done to avoid suspension under this notice (i.e., how to request a hearing or how to comply fully with the requirements that served as a basis for the Notice of Intent to Suspend).

**FOR FURTHER INFORMATION CONTACT:** Eric Miederhoff, Pesticide- Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-347-0249; email address: *miederhoff.eric@epa.gov*.

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

#### *A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How Can I Get Copies of this Document and Other Related Information?*

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2010-0848, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**II. Registrants Issued Notices of Intent to Suspend Active Ingredients, Products Affected, and Dates Issued**

The registrants and products subject to this Notice of Intent to Suspend are listed in Table 1. A Notice of Intent to Suspend was sent to each registrant of the affected products via the U.S. Postal Service, first class mail, return receipt requested.

**Table 1.--List of Registrants and Products Subject to Suspension**

<b>Registrant Affected</b>	<b>Active Ingredient</b>	<b>EPA Registration Number</b>	<b>Product Name</b>	<b>Date EPA Issued Notice of Intent to Suspend</b>
Vikon Chemical Company Inc.	Triclosan	6390-25	VIKOL THP	January 28, 2013
CTX-Cenol	Malathion	45385-66	CHEM-TOX MAL 50-OS	July 19, 2013
CTX-Cenol	Malathion	45385-65	CHEM-TOX MALATHION 3%	July 19, 2013
CTX-Cenol	Malathion	45358-43	CHEM-TOX MAL 50%-E.C.	July 19, 2013

### III. Basis for Issuance of Notice of Intent to Suspend; Requirement List

The registrants failed to submit the data or information required by the Data-Call In Notice, or to take other appropriate steps to secure the required data for their pesticide products listed in Table 2 of this unit.

**Table 2.--List of Requirements**

Registrant Affected	EPA Registration Number	Guideline Number as Listed in Applicable DCI	Requirement Name	Date EPA Issued DCI	Date Registrant Received DCI	Final Data Due Date	Reason for Notice of Intent to Suspend *
Vikon Chemical Company Inc.	6390-25	830.1550	Product identity and composition	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1600	Description of materials used to produce the product	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1620	Description of production process	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1650	Description of formulation process	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1670	Discussion of formation of impurities	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1700	Preliminary analysis	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.1750	Certified limits	October 5, 2011	November 1, 2011	June 5, 2011	1,2

Vikon Chemical Company Inc.	6390-25	830.1800	Enforcement analytical method	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6302	Color	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6303	Physical state	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6304	Odor	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6313	Stability to normal and elevated temperatures, metals, and metal ions	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6314	Oxidizing or reducing action	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6315	Flammability	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6316	Explodability	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6317	Storage stability	October 5, 2011	November 1, 2011	February 5, 2013	1,2
Vikon Chemical Company Inc.	6390-25	830.6319	Miscibility	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.6320	Corrosion characteristics	October 5, 2011	November 1, 2011	February 5, 2013	1,2

Vikon Chemical Company Inc.	6390-25	830.6321	Dielectric breakdown voltage	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7000	pH	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7050	UV/Visible adsorption	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7100	Viscosity	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7200	Melting point/melting range	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7220	Boiling point/boiling range	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7300	Density/relative density	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7370	Dissociation constants in water	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7550	Partition coefficient (n-octanol/water) shake flask method	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7560	Partition coefficient (n-octanol/water), generator column method	October 5, 2011	November 1, 2011	June 5, 2011	1,2

Vikon Chemical Company Inc.	6390-25	830.7570	Partition coefficient (n-octanol/water), estimation by liquid chromatography	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7840	Water solubility: Column elution method, shake flask method	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7860	Water solubility, generator column method	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	830.7950	Vapor pressure	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.1100	Acute Oral Toxicity	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.1200	Acute dermal toxicity	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.1300	Acute inhalation toxicity	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.2400	Acute eye irritation	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.2500	Acute dermal irritation	October 5, 2011	November 1, 2011	June 5, 2011	1,2
Vikon Chemical Company Inc.	6390-25	870.2600	Skin sensitization	October 5, 2011	November 1, 2011	June 5, 2011	1,2
CTX-Cenol	45385-66, 45385-65, 45385-43	870.1100	Acute Oral Toxicity	June 30, 2009	July 6, 2009	March 6, 2010	3

CTX-Cenol	45385-66, 45385-65, 45385-43	870.1200	Acute Dermal Toxicity	June 30, 2009	July 6, 2009	March 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	870.1300	Acute Inhalation Toxicity	June 30, 2009	July 6, 2009	March 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	870.2400	Acute Eye Irritation	June 30, 2009	July 6, 2009	March 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	870.2500	Acute Dermal Irritation	June 30, 2009	July 6, 2009	March 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	870.2600	Acute Eye Sensitization	June 30, 2009	July 6, 2009	March 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	830.6317	Storage Stability	June 30, 2009	July 6, 2009	November 6, 2010	3
CTX-Cenol	45385-66, 45385-65, 45385-43	830.6320	Corrosion Characteristics	June 30, 2009	July 6, 2009	November 6, 2010	3

<sup>1</sup> No 90-day response received.

<sup>2</sup> No data received.

<sup>3</sup> Inadequate data received.

#### IV. How to Avoid Suspension under this Notice?

1. You may avoid suspension under this notice if you or another person adversely affected by this notice properly request a hearing within 30 days of your receipt of the Notice of Intent to Suspend by mail or, if you did not receive the notice that was sent to you via USPS first class mail return receipt requested, then within 30 days from the date of publication of this **Federal Register** notice (see **DATES**). If you request a hearing, it will be conducted in accordance with the requirements of FIFRA section 6(d) and the Agency's procedural regulations in 40 CFR part 164. Section 3(c)(2)(B) of FIFRA, however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this notice and



whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, any allegations of errors or unfairness in any proceedings before an arbitrator, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding. Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products. A request for a hearing pursuant to this notice must:

- Include specific objections which pertain to the allowable issues which may be heard at the hearing.
- Identify the registrations for which a hearing is requested.
- Set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing.

If a hearing is requested by any person other than the registrant, that person must also state specifically why he/she asserts that he/she would be adversely affected by the suspension action described in this notice. Three copies of the request must be submitted

to: Hearing Clerk, 1900, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

An additional copy should be sent to the person who signed this notice. The request must be received by the Hearing Clerk by the applicable 30<sup>th</sup> day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registrations by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business on the applicable 30<sup>th</sup> day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., and will not be subject to further administrative review. The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Environmental Appeals Board, the EPA Administrator, the EPA Deputy Administrator, and the members of the staff in the immediate offices of the EPA Administrator and EPA Deputy Administrator. None of the persons designated as the

judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within the applicable 30-day deadline period as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., the Agency determines that you have taken appropriate steps to comply with the FIFRA section 3(c)(2)(B) DCI notice. In order to avoid suspension under this option, you must satisfactorily comply with Table 2.--List of Requirements in Unit II., for each product by submitting all required supporting data/information described in Table 2 of Unit. II. and in the Explanatory Appendix (in the docket for this **Federal Register** notice) to the following address (preferably by certified mail):

Pesticide Re-Evaluation Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

For you to avoid automatic suspension under this notice, the Agency must also determine within the applicable 30-day deadline period that you have satisfied the requirements that are the bases of this notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s). The suspension of the registrations of your company's products pursuant to this notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this notice. Such compliance may only be achieved by submission of the data/information described in Table 2 of Unit II.

## **V. Status of Products that Become Suspended**

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this notice and so informs you in writing.

After the suspension becomes final and effective, the registrants subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrants subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registrations for your product(s), listed in Table 1 of Unit II., are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) DCI notice or Section 4 Data Requirements notice, this notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) DCI notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**VI. What is the Agency's Authority for Taking this Action?**

The Agency's authority for taking this action is contained in FIFRA sections 3(c)(2)(B) and 6(f)(2), 7 U.S.C. 136 *et seq.*

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: February 5, 2014.

Richard P. Keigwin, Jr.,

*Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*

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